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EXAMINER

WALTERS, JOHN DANIEL

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3618

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,617	Applicant(s) CANTU, RICHARD A.	
	Examiner John D. Walters	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 8, 12, 14 and 29 is/are allowed.
6) ☒ Claim(s) 1-7, 9-11, 13, 15-28, 30 and 31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 31 have been examined.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by Morgan (US 5823549). Morgan discloses a dolly (Fig 1, item 10) comprising:

(re: claim 1) a platform (combination of items 12 and 14) having a generally planar upper surface;

a plurality of wheel assemblies (18) attached to a lower surface of the platform, wherein each of the wheel assemblies includes a swivel joint and wheel (refer col 5, lines 12-15).;

a hole (Fig 8, taken as the upper hole 20) formed in the upper surface;

a mounting bar (72) extending across the hole; and ,

a plurality of recesses (24) formed in the upper surface; and

(re: claim 2) at least one hand-hold hole (Fig 8, taken as the lower hole 20 and refer col 5, lines 22-24) formed through the platform; and

(re: claim 4) wherein the platform includes a plurality of side surfaces (as shown, not separately numbered); and

(re: claim 7) a plurality of threaded lower surface holes formed in the lower surface, wherein the wheel assemblies are attached to the lower surface via the threaded lower surface holes (refer Fig 7, taken as the holes accommodating the bolts 54).

Claims 1, 3, 4, 9, and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Chapman (US 5312121). Chapman discloses a dolly (Fig 1, item 10) comprising:

(re: claim 1) a platform (combination of 23 and 25) having a generally planar upper surface;

a plurality of wheel assemblies (not separately numbered, but clearly shown) attached to a lower surface of the platform (via the legs 16), wherein each of the wheel assemblies includes a swivel joint and wheel;

a hole (14; refer col 1, lines 45-48) formed in the upper surface;

a mounting bar (20,. refer col I , lines 57-60) extending across the hole; and

a plurality of recesses (not separately numbered; taken as the recesses in 23 and 25 that accommodate the bolt heads of the bolts shown attaching the cross bar to each of 23 and 25 as shown in Fig 1) formed in the upper surface; and

(re: claim 3) a plurality of threaded mounting holes (taken as the not separately numbered bolts that are shown attaching the king pins 18 to the platform upper surface as shown in Fig 1) formed in the upper surface;

(re: claim 4) wherein the platform includes a plurality of side surfaces (not separately numbered, but clearly understood from the figures); and

(re: claim 9) a push handle assembly (not separately numbered but clearly shown in Fig 1) attached to the platform (via the intervening structures as shown in Fig 1) and including a frame (taken as the vertical standard portion including the escutcheon connector at the vehicle) removably attached to the platform; and a handle member (taken as the horizontal handlebar) attached to the frame; wherein a position of the dolly is controllable by pushing on the handle member (refer col 2, lines 18-21); and (re: claim 13) wherein the push handle assembly further includes a plurality of wheel assemblies attached to and supporting the frame (by virtue of the push handle assembly being attached to the platform it is also attached to and supported by the plurality of wheel assemblies that are attached to and supporting the platform).

Claims 24, 27 and 28 are rejected under 35 U.S.C. §102(e) as being anticipated by Bergeron (US 6698771). As discussed above, Bergeron discloses all of the features of the dolly of claim 17 from which claim 24 depends. Regarding the features of claim 24, Bergeron further discloses:

a push handle assembly (Fig 4,. taken as the combination of 28 (the push handle), 32 (the frame of the push handle assembly), and 26 (holds the handle (28) secure when the handle is not being used) attached to the platform (11; by its attachment to 19 which is attached to 11), the handle assembly including a frame (taken as 32) removably attached to the platform (refer to col 3, lines 29-31; where it is stated that 32 is conventionally attached, this is understood as including the feature of being conventionally removable) and a handle member (28) attached to the frame (32),

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wherein a position of the dolly is controllable by pushing on the handle member (refer col 3, lines 60-63).

Regarding the features of claim 27, Bergeron further discloses:

wherein the push handle assembly (as discussed above, taken as the combination of the elements 28, 32, and 26) further includes a second platform (taken as 19) attached to the frame 32), wherein the second platform is disposed adjacent to and flush with the [first] platform (11).

Regarding the features of claim 28, Bergeron further discloses:

wherein the push handle assembly further includes a plurality of wheel assemblies (18) attached to and supporting the frame (by virtue of the connection of the push handle assembly being attached to the platform it is also attached to and supported by the plurality of wheel assemblies that are attached to and supporting the platform).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan (US RE37,350) in view of Bonner (US 6886703).

Relative to the limitations of claim 1, Stephan discloses a dolly (Fig 1, item 1) comprising:

a platform having a generally planar upper surface (Fig 1, taken as the flat surface of the upper edge of item 2);

a plurality of wheel assemblies (9) attached to a lower surface of the platform, wherein each of the wheel assemblies includes a swivel joint and wheel (refer col 3, lines 53-54);

a hole (as shown in the figure the surface of the upper edge of item 2 opens to hold a bucket) formed in the upper surface;

a mounting bar (either of items 17 or 18) extending across the hole.

Stephan lacks explicit disclosure of a plurality of recesses formed in the upper surface. However, Bonner teaches a dolly having a platform similar to Stephan but wherein the upper surface has a plurality of recesses formed in the upper surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the dolly of Stephan to have a plurality of recesses formed in the upper surface in accordance with the teachings of Bonner in order to be able to insert containers, such as buckets having diametrically opposed external cylindrical extrusions on their sides, which then are held secure at a height selected by the user as suggested by the reference at column 2, lines 1-18.

Relative to the limitations of claim 4, Stephan further discloses a dolly wherein the platform includes a plurality of side surfaces (taken as the combination of the

peripheral cylindrical surface of the dolly together with the side surfaces of the wheel supporting legs (9)); and, further

Relative to the limitations of claim 6, Stephan further discloses a dolly comprising a plurality of threaded side surface holes (best understood from Fig 2 as the hole, clearly threaded, required for the tightening means, items 10 used to secure a bucket mounted in the dolly from swinging about and sloshing the liquid during movement of the dolly from one location to another during use).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Morgan (US5823549) in view of Walker (US 2707351). As discussed above, Morgan discloses all of the features of claim 4 from which claim 5 depends.

The side surfaces of Morgan are not octagonal in shape. However, Walker teaches a dolly with planar platform in octagonal shape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the dolly platform shape of Morgan to be an octagonal shape in accordance with the teachings of Walker in order to have the dolly take up less space when being relocated from one place to another in confined spaces as suggested by the reference at column 2, lines 1-3.

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Chapman (US5312121) in view of Malloy et al. (US 6101678). As discussed above, Chapman discloses all of the features of claim 9 from which claim 10 depends.

Chapman's push handle is a single piece structure, lacking explicit disclosure wherein the upper and lower portions of the handle are attached via at least one lockable hinge. However, Malloy et al. teaches an adjustable push handle (Fig 1, item 10) for a manually movable dolly where the upper and lower support members of the handle assembly are attached via a lockable hinge (13) where the handle grip extends from the upper support member of the handle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the handle member of Chapman to incorporate an articulating handle member extending from the upper support member wherein the upper support member is attached to the lower support member via a lockable hinge in accordance with the teachings of Malloy et al. in order to provide a more comfortable angle of grip for the user's hand when pushing the dolly as suggested by the reference at column 1, lines 9-12.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Chapman (US53 12121) in view of Malloy et al. (US 6101678) and further in view of Jepson (US 2962854). As discussed above, the combination of Chapman and Malloy et al. discloses all of the features of claim 10 from which claim 11 depends.

The combination of Chapman and Malloy et al. as applied to claim 10 enables the upper support member of the handle to pivot about the lower support member of the handle via a lockable hinge but discloses the lower support member of the handle attached to the dolly platform with a fixed frame member, thus lacking explicit disclosure

wherein the handle frame attaching the lower support member of the handle to the dolly platform includes a plate with a plurality of mounting hole/ wherein the lower support member of the handle can be attached to the plate via a selected one of the mounting holes. However, Jepson teaches (Figs 5-7) an angle-adjustable push handle for a manually movable dolly wherein the frame of the handle assembly that attaches the lower support member of the handle to the platform includes a plate (38, 39) with a plurality of mounting holes (53) and the lower support member of the handle (48) is attached to the plate via a selected one of the mounting holes wherein the one selected mounting hole determines an angle at which the lower support member extends from the frame of the handle assembly (refer col 6, lines 25-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the handle assembly of the combination of Chapman and Malloy et al. in accordance with the further teachings of Jepson to substitute the handle frame in accordance with the teachings of Jepson in order to be able to selectively fix the height of the handle (by selectively fixing the angle of extension of the handle) as appropriate for the user's height for comfortably pushing the dolly from location to location.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Chapman (US5312121) in view of Balolia (US 6371496). As discussed above, Chapman discloses all of the features of claim 1 from which claim 15 depends.

Chapman lacks explicit disclosure of an outrigger assembly including a plate attachable to the platform and a threaded bolt extending through a threaded hole in the plate wherein the position of the dolly is fixable by rotating the bolt until it engages the supporting surface of the dolly. However, Balolia teaches a dolly (20) having a platform (22) and an outrigger assembly (refer Fig 6-8, item 32) including a plate (122) attachable to the platform and a threaded bolt extending through a threaded hole in the plate wherein the dolly position is fixable by rotating the bolt until it engages the supporting surface of the dolly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the dolly platform of Chapman by incorporating an outrigger assembly for fixing the dolly position in accordance with the teachings of Balolia in order to be able to have a position locking device on the dolly that does not bear directly on the wheel(s) and thus that does not cause excessive wheel wear or require tools to operate as suggested by the reference at column 2, lines 18-20.

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Chapman (US5312 121) in view of Coyne et al. (US 5 136751). As discussed above, Chapman discloses all of the features of claim 1 from which claim 16 depends.

Chapman lacks explicit disclosure regarding a fixed wheel assembly including a plate attachable to the platform and at least one wheel fixed to the plate for rotation only

along one direction wherein the at least one wheel fixed to the plate and attached to the platform confine the plurality of wheel assemblies to roll along the one direction.

However, Coyne et al. teaches a fixed wheel for attachment to a dolly platform wherein the fixed wheel assembly includes a plate (refer Fig 8, item 15 and the related text of the reference) attachable to the platform and at least one wheel fixed to the plate for rotation only along one direction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of any of the dollies of Herrmann; Walker; Morrow; and Bergeron to incorporate a fixed wheel assembly which, being attached to the dolly platform confines the plurality of wheel assemblies of the dolly platform to roll only along one direction in accordance with the teachings of Coyne et al. in order to provide a wheel assembly that can be quickly and easily attached to a variety of locations on the dolly platform by its self-contained adhesive mounting legs as suggested by the reference at column 2, lines 24-26.

Claims 17, 21 and 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Briggs (US 5004255) in view of Walker (US 2707351). Briggs discloses a dolly comprising:

(re: claim 17) a platform having a generally planar upper surface, a lower surface and a plurality of side surfaces,
a plurality of wheel assemblies attached to the lower surface of the platform,
wherein each of the wheel assemblies includes a swivel joint and a wheel; and

(re: claim 21) a threaded mounting hole formed in the upper surface and,
(re: claim 22) a high hat camera mount that includes a support post threaded into the threaded mounting hole and a support plate attached to the support post.

Briggs discloses a dolly platform having upper and lower surfaces that are rectangular in shape rather than octagonal, and having only a single threaded mounting hole and single support post threaded therein to rather than a plurality of threaded holes and a plurality of support posts threaded into each. However, Walker teaches a dolly comprising a platform having a generally planar upper surface, a lower surface and a plurality of side surfaces and a plurality of swivel joint wheel assemblies attached to the slower surface of the platform, and wherein the platform planar upper surface is generally octagonal in shape. While Walker does not disclose an equilateral octagon shape, the use of such a shape would constitute a design choice as there is no functional differentiation between said equilateral octagon and said generally octagonal shape. One of ordinary skill in the art at the time the instant invention was made would see the difference between equilateral and non-equilateral octagons as a purely aesthetic difference.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the platform upper surface shape of Briggs to be octagonal in accordance with the teachings of Walker in order to permit easier maneuvering of the dolly in tight and/or cluttered workspaces as suggested by the reference at column 1, line 62 to column 2, line 3.

Regarding the further limitations of claims 21 and 22 wherein the dolly has (re: claim 21) a plurality of threaded mounting holes and (re: claim 22) a concomitant plurality of support posts, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the dolly of Briggs to include a plurality of threaded mounting holes in the upper surface and provide a concomitant plurality of support posts threaded therein to since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 23, wherein the dolly further comprises a plurality of threaded holes formed in the side surfaces of the platform, the examiner takes Official Notice that it is old and well-known in the analogous arts of dollies and carts to provide threaded holes on the sides of these vehicles for attachment of supports for items such as tools, supplies and containers therefor, and to provide these threaded holes in any number anticipated as being needed for the work tasks for which the dolly or cart will be used.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herrmann (US6209891). As discussed above, Herrmann discloses all of the features of claim 17 from which claim 18 depends. Herrmann lacks explicit disclosure of the dolly further comprising a plurality of threaded lower surface holes each formed in the lower surface adjacent one of the octagonal corners wherein the wheel assemblies are attached to the lower surface vial the threaded lower surface holes; instead, Herrmann uses nuts and bolts to attach the wheel assemblies at each of the octagonal corners of

the dolly. However, Herrmann further teaches that other arrangements are suitable for attaching the wheel assemblies (refer col 4, lines 45-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of Herrmann by using threaded bolts engaging threaded holes in the lower surface of the dolly at each of the octagonal corners since the examiner takes Official Notice of the equivalence of the use of nuts and bolts and threaded bolts that engage threaded holes in the structure for securing various structures including castor wheel assemblies to vehicles and the selection of any of these known equivalents to secure the wheel assemblies to the underside of the dolly would be within the level of ordinary skill in the art.

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Herrmann (US6209891) in view of Groening (US 5752543). As discussed above, Herrmann discloses all of the features of claim 17 from which claim 19 depends. Moreover, Herrmann also discloses the further features of claim 19 wherein the dolly has a hole (18) and a plurality of recesses formed in its upper surface (identified as the recesses formed by the spanning web 22 and the integral raised portions 47; refer col 3, line 66 to col 4, line 6).

Herrmann lacks explicit disclosure of a mounting bar extending across the hole. However, Groening discloses a similar dolly that mounts bars that extend across the hole.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the dolly of Herrmann to mount bars across the hole in accordance with the teachings of Groening in order to provide bracing that strengthens the dolly structure as suggested by the reference at column 3, lines 26-27.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Herrmann (US 6209891) and Groening (US 5752543) and further in view of Pool et al. (US6345828). As discussed above, the combination of Herrmann and Groening discloses all of the features of claim 19 from which claim 20 depends.

The combination of Herrmann and Groening lacks explicit disclosure of at least one handhold hole formed through the platform. However, Pool et al. discloses a dolly having handhold hole formed through the platform.

Therefore, it would have been obvious to one of ordinary skill in the art to have modified the dolly of the combination of Herrmann and Groening as applied above to claim 19 to include a hand-hold hole through the platform as taught by Pool et al. in order to enable the dolly to be easily carried in one hand as suggested by the reference at column 2, lines 5-6.

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bergeron (US6698771) in view of Malloy et al. (US 6101678). As discussed above, Bergeron discloses all of the features of claim 24 from which claim 25 depends.

Bergeron discloses a push handle of one single piece structure, lacking explicit disclosure wherein the upper and lower portions of the handle are attached via at least one lockable hinge. However, Malloy et al. teaches an adjustable push handle (Fig 1, item 10) for a manually movable dolly where the upper and lower support members of the handle assembly are attached via a lockable hinge (13) wherein the handle grip extends from the upper support member of the handle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the handle member of Bergeron to incorporate an articulating handle member extending from the upper support member wherein the upper support member is attached to the lower support member via a lockable hinge in accordance with the teachings of Malloy et al. in order to provide a more comfortable angle of grip for the user's hand when pushing the dolly as suggested by the reference at column 1, lines 9-12.

Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bergeron (US6698771) in view of Malloy et al. (US 6101678) and further in view of Jepson (US 2962854). As discussed above, the combination of Bergeron and Malloy et al. discloses all of the features of claim 25 from which claim 26 depends.

The combination of Bergeron and Malloy et al. as applied to claim 25 enables the handle to pivot freely about the handle frame but lacks explicit disclosure wherein the handle frame includes a plate with a plurality of mounting holes wherein the lower support member of the handle can be attached to the plate via a selected one of the

mounting holes. However, Jepson teaches (Figs 5-7) an angle adjustable push handle for a manually movable dolly wherein the frame of the handle assembly that attaches the lower support member of the handle to the platform includes a plate (39) with a plurality of mounting holes (53) and the lower support member of the handle (48) is attached to the plate via a selected one of the mounting holes wherein the one selected mounting hole determines an angle at which the lower support member extends from the frame of the handle assembly (refer col 6, lines 25-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the handle assembly of the combination of Bergeron and Malloy et al. in accordance with the further teachings of Jepson to substitute the handle frame in accordance with the teachings of Jepson in order to be able to selectively fix the height of the handle (by selectively fixing the angle of extension of the handle) as appropriate for the user's height for comfortably pushing the dolly from location to location.

Claim 30 is rejected under 35 USC §103(a) as being unpatentable over any one of Herrmann (US 8209891), Walker (US 2707351), Morrow (US 6695326) or Bergeron (US6698771) in view of Balolia (US 6371496). As discussed above, each of Herrmann (-891), Walker (-351), Morrow (-326) and Bergeron (-771) disclose all of the features of claim 17 from which claim 30 depends.

Each of these references is silent regarding an outrigger assembly including a plate attachable to the respective dolly platform and having a threaded bolt extending

through the threaded hole in the plate wherein the dolly is fixable in position by rotating the bolt until it engages the supporting surface of the dolly. However, Balolia teaches a dolly (20) having a platform (22) and an outrigger assembly (Figs 6-8, item 32) including a plate (122) attachable to the platform and a threaded bolt extending through a threaded hole in the plate wherein the dolly position is fixable by rotating the bolt until it engages the supporting surface of the dolly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the dolly platform of any one of the dollies disclosed by Herrmann; Walker; Morrow; and Bergeron by incorporating an outrigger assembly for fixing the dolly position in accordance with the teachings of Balolia in order to be able to have a position locking device on the dolly that does not bear directly on the wheel(s) and thus that does not cause excessive wheel wear of require tools to operate as suggested by the reference at column 2, lines 1 8-20.

Claim 31 is rejected under 35 USC §103(a) as being unpatentable over any one of Herrmann (US 6209891), Walker (US 2707351), Morrow (US 6695326) or Bergeron (US6698771) in view of Coyne et al. (US 5136751). As discussed above, each of Herrmann (-891), Walker (-351), Morrow (-326) and Bergeron (-771) disclose all of the features of claim 17 from which claim 31 depends.

Each of these references is silent regarding a fixed wheel assembly that includes a plate attachable to the platform and at least one wheel fixed to the plate for rotation only along one direction wherein that wheel, being affixed to the platform, confines the

plurality of wheel assemblies to roll only along one direction. However, Coyne et al. teaches a fixed wheel for attachment to a dolly platform wherein the fixed wheel assembly includes a plate (refer Fig 8, item 15, and refer to the related text of the reference) attachable to the platform and at least one wheel fixed to the plate for rotation only along one direction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of any of the dollies disclosed by Herrmann; Walker; Morrow; and Bergeron to incorporate a fixed wheel assembly which, being attached to the dolly platform confines the plurality of wheel assemblies of the dolly platform to roll only along one direction in accordance with the teachings of Coyne et al. in order to provide a wheel assembly that can be quickly and easily attached to a variety of locations on the dolly platform by its self-contained adhesive mounting legs as suggested by the reference at column 2, lines 24-26.

Allowable Subject Matter

Claims 8, 12, 14, and 29 are allowed as they have been rewritten to overcome rejected base claims and 35 U.S.C. § 112 issues.

Response to Arguments

Applicant's arguments, see page 10, filed 2/2/2006, with respect to the specification have been fully considered and are persuasive. The objection of 9/8/2005 has been withdrawn.

Applicant's arguments, see page 10, filed 2/2/2006, with respect to claim informalities have been fully considered and are persuasive. The objection of 9/8/2005 has been withdrawn.

Applicant's arguments, see page 10, filed 2/2/2006, with respect to 35 U.S.C. § 112 have been fully considered and are persuasive. The rejection of 9/8/2005 has been withdrawn.

Applicant's arguments, see pages 12 and 13, filed 2/2/2006, with respect to 35 U.S.C. § 102 of claim 17 have been fully considered and are persuasive. The rejection of 9/8/2005 has been withdrawn.

Applicant's arguments filed 2/2/2006 with regards to 35 U.S.C. § 102 and 35 U.S.C. § 103 have been fully considered but they are not persuasive.

Applicant states, "Claims 1-2, 4, and 7...Morgan...traverses the Examiner's contention that the portion of the platform between holes 20 constitutes a mounting bar extending across a single hole."

Should one extend the outer edges of hole 20 towards each other, it is clear that they will connect and form a circular hole. That being the case, the central portion, i.e.

bar, that breaks the continuity of said hole must extend from one side of said hole to the other.

Applicant also states, "Claims 1, 3-4 and 13...Chapman...traverses the Examiner's conclusion that open space 14 between two separate structures 23/25 could be considered a hole...Moreover...not a plurality of recesses formed in the upper surface...no support for the Examiner's conclusion that the holes for king pins 18 are threaded..."

Taking the upper surface of 23 and 25 as the surface for a platform, figure 1 shows that there is an opening, i.e. hole, in said surface through which a boom is mounted. Figure 1 also shows two recesses in the top of said surface, unnumbered but inline laterally with said boom, through which bolts descend downward to connect to a boom support. Additionally, figure 1 shows that the king pin assembly 18 is secured to the top surface by fasteners which are arranged in a bolt circle near the outer edge of said assembly. For said fasteners to connect said king pin assembly to said surface, it is inherent and necessary that holes into which said fasteners are affixed be threaded.

Applicant also states, "Claims 24, 27 and 28...Bergeron...includes a second platform attached to the frame and is adjacent to and flush with the first platform...A barrel is not a platform, let alone one flush with base member 11...wheels are claimed separately from the wheels supporting the first platform..."

A platform can be defined as a device or structure incorporating or providing a raised horizontal flat surface (www.m-w.com). In that light, said barrel is such a structure. Additionally, it is flush, i.e. directly abutting or immediately adjacent to, a first platform.

As a multiplicity of wheels are provided by Bergeron, four shown within the figures, it can be reasonably suggested that there are two sets of two or two pluralities of wheels contained within the device of Bergeron.

Applicant states in multiple following sections statements about lacking motivation and hindsight reconstruction.

Firstly, proper motivation is given within each of the above rejections.

Secondly, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant also states, "Claims 1, 4, and 6...Stephan in view of...Bonner... traverses the Examiner's conclusion that the portion portions 17/18...constitutes a

mounting bar extending across a single hole...no such recesses are taught by Stephen...Bonner teaches furrows..."

For reasons similar to those discussed above in regards to Morgan, should one extend the outer edges the holes of Stephan towards each other, it is clear that they will connect and form a circular hole. That being the case, the central bars 17 and 18 must extend from one side of said hole to the other.

Figure 4 of Bonner shows four recesses, i.e. indentations, in the upper edge of 24.

Applicant also states, "Claims 17, 21-23...Briggs in view of...Walker...octagonal in shape such that the plurality of side surfaces all have a same length...traverses the Examiner's judicial notice that side surface threaded holes are old and well known..."

As stated in the above rejection, shifting a generally octagonal figure into an equilateral octagon is an obvious variation and is well within the knowledge of one of ordinary skill in the art at the time of the Applicant's invention.

Additionally, the references of record from Stephan and Balolia show examples side surface threaded holes substantiating that they are old and well known in the art.

Applicant also states, "Claim 18...Herrmann... octagonal in shape such that the plurality of side surfaces all have a same length...fails to teach or suggest a plurality of threaded lower surface holes each formed in the lower surface adjacent one of a plurality of octagonal corners of the lower surface..."

See the above discussion in regards to equilateral octagons.

See the above rejection and the previous rejection for discussion of said plurality of threaded lower surface holes.

For these reasons, the rejections stand.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Eaddy; of Mitchell et al.; of Hewitt; of Farmer; of Powers; of Mount; and of Moehler each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters
Examiner
Art Unit 3618

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